

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHAD AUSTIN ROBERTS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 55743

FILED

MAY 10 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *A. Ingersoll*
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court order denying appellant's post-conviction petition for writ of habeas corpus. Eighth Judicial District Court, Clark County; Douglas W. Herndon, Judge.

Our review of this appeal reveals a jurisdictional defect. Specifically, the notice of appeal is untimely. The notice of entry of the order denying appellant's post-conviction petition for writ of habeas corpus was served on July 2, 2009. However, the notice of appeal was not filed until March 27, 2010, well after the expiration of the 30-day appeal period prescribed by NRAP 4(b). "[A]n untimely notice of appeal fails to vest jurisdiction in this court." Lozada v. State, 110 Nev. 349, 352, 871 P.2d 944, 946 (1994). Accordingly, we conclude that we lack jurisdiction to consider this appeal, and we

ORDER this appeal DISMISSED.

Hardesty
_____, J.
Hardesty

Douglas
_____, J.
Douglas

Pickering
_____, J.
Pickering

cc: Hon. Douglas W. Herndon, District Judge
Chad Austin Roberts
Stanley A. Walton
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk